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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JAMES BONOMO,)
) NO.
Plaintiff,) O7 CV 5967
-vs-)
MITSUBISHI INTERNATIONAL)
CORPORATION,)
)
Defendants.)
----- X

May 13, 2008
9:30 a.m.

Deposition of RICHARD LOVELL,
held at the offices of Liddle &
Robinson, LLP, 800 Third Avenue, New
York, New York, pursuant to Notice and
Agreement, before Hope Menaker, a
Shorthand Reporter and Notary Public of
the State of New York.

<p style="text-align: right;">26</p> <p>1 - RICHARD LOVELL -</p> <p>2 A. Well, if you're being</p> <p>3 harassed then you report it, regardless</p> <p>4 of what the reason is.</p> <p>5 Q. I see. In this we're talking</p> <p>6 about equal employment opportunities --</p> <p>7 A. Uh-huh.</p> <p>8 Q. -- not harassment. You</p> <p>9 notice that, right? This is a</p> <p>10 different section than the harassment</p> <p>11 section.</p> <p>12 A. Right.</p> <p>13 Q. And did you know Mr. Bonomo</p> <p>14 when he worked at Mitsubishi?</p> <p>15 A. Yes.</p> <p>16 Q. In your observation, was he</p> <p>17 the kind of employee who would read</p> <p>18 these kinds of manuals and take them</p> <p>19 seriously?</p> <p>20 A. I can't respond to that.</p> <p>21 MR. SONNENBERG: Objection as</p> <p>22 to form.</p> <p>23 Q. You made sure that he</p> <p>24 received his different manuals,</p> <p>25 correct?</p>	<p style="text-align: right;">28</p> <p>1 - RICHARD LOVELL -</p> <p>2 orientation deliberately?</p> <p>3 Q. Yes.</p> <p>4 A. I don't believe so.</p> <p>5 Q. How many days elapsed between</p> <p>6 the distribution date on the memo,</p> <p>7 April 2nd, 2007, and the date Mr. Bonomo</p> <p>8 first complained to you about sexual</p> <p>9 orientation discrimination?</p> <p>10 A. He never complained to me.</p> <p>11 Q. You didn't receive the draft</p> <p>12 complaint?</p> <p>13 A. I received a draft complaint,</p> <p>14 yes.</p> <p>15 Q. The draft complaint contained</p> <p>16 several causes of action alleging</p> <p>17 discrimination and harassment based</p> <p>18 upon sexual orientation, correct?</p> <p>19 A. It did.</p> <p>20 Q. So that was how many days?</p> <p>21 A. We probably got the complaint</p> <p>22 physically somewhere around the 13th, I</p> <p>23 think.</p> <p>24 Q. Approximately 10 days?</p> <p>25 A. Yes, about.</p>
<p style="text-align: right;">27</p> <p>1 - RICHARD LOVELL -</p> <p>2 A. We make sure that the people</p> <p>3 receive them.</p> <p>4 Q. Did you have any understanding</p> <p>5 of whether or not he read them?</p> <p>6 A. He signed for the handbook.</p> <p>7 I'd have to assume that he read it.</p> <p>8 Q. Same thing with this new</p> <p>9 code. Was this sent out with a page to</p> <p>10 sign?</p> <p>11 A. I don't recall.</p> <p>12 Q. Do you have in your</p> <p>13 possession, or perhaps something that</p> <p>14 either we have received and overlooked</p> <p>15 or that exists within the company,</p> <p>16 which was distributed but wasn't</p> <p>17 produced? Anything that refers</p> <p>18 explicitly to sexual orientation prior</p> <p>19 to the April 2nd or April 1st document</p> <p>20 here --</p> <p>21 MR. SONNENBERG: Objection as</p> <p>22 to form.</p> <p>23 Q. -- 13?</p> <p>24 A. You're asking me whether</p> <p>25 there was anything that listed sexual</p>	<p style="text-align: right;">29</p> <p>1 - RICHARD LOVELL -</p> <p>2 Q. Now, when they were putting</p> <p>3 out this new code of business conduct,</p> <p>4 were there discussions that involved</p> <p>5 yourself, sir?</p> <p>6 A. I read through it, but there</p> <p>7 weren't discussions. It was something</p> <p>8 that Mitsubishi Corporation was going</p> <p>9 to distribute to all branches and</p> <p>10 subsidiaries.</p> <p>11 Q. Did you play any role in</p> <p>12 writing up any of these handbooks, or</p> <p>13 was that done away from you locally or</p> <p>14 somewhere else?</p> <p>15 A. The code of conduct was done</p> <p>16 in Tokyo.</p> <p>17 Q. How about these other</p> <p>18 documents?</p> <p>19 A. All the other policies, I</p> <p>20 played a role in writing them, and the</p> <p>21 handbook, I played a role in writing</p> <p>22 them, or somebody in my department did.</p> <p>23 Q. Would there be somebody in a</p> <p>24 legal capacity who also played a role</p> <p>25 in writing them?</p>

8 (Pages 26 to 29)

<p style="text-align: right;">46</p> <p>1 - RICHARD LOVELL -</p> <p>2 A. No.</p> <p>3 Q. Our best information is that</p> <p>4 this document is Mr. Leffler's notes</p> <p>5 from the first meeting with Mr. Furuichi.</p> <p>6 See the date, April 23rd, 2007?</p> <p>7 A. Okay.</p> <p>8 Q. Now, you took notes, but you</p> <p>9 didn't think you took notes to the same</p> <p>10 level as Mr. Leffler; is that correct?</p> <p>11 A. Well, I never used Fred's</p> <p>12 notes, frankly. What I did is, as I</p> <p>13 went through, I jotted down words or</p> <p>14 comments, and then either that night or</p> <p>15 the following morning, I actually put</p> <p>16 together the draft response. And the</p> <p>17 draft response was my -- actually my</p> <p>18 working papers.</p> <p>19 MR. SONNENBERG: Objection as</p> <p>20 to form.</p> <p>21 MR. LIDDLE: Form of the</p> <p>22 answer?</p> <p>23 MR. SONNENBERG: No. Form of</p> <p>24 the question.</p> <p>25 You're just answering very</p>	<p style="text-align: right;">48</p> <p>1 - RICHARD LOVELL -</p> <p>2 looked at?</p> <p>3 A. Looks to be, yes.</p> <p>4 Q. Then after that investigation</p> <p>5 on the Bonomo complaint, the</p> <p>6 typewritten document, whose hand -- who</p> <p>7 prepared that? Do you know?</p> <p>8 A. That's mine.</p> <p>9 Q. Okay. So you say, "Attached</p> <p>10 are the handwritten and typed</p> <p>11 questions."</p> <p>12 That's those two documents,</p> <p>13 correct? That's what you had referred</p> <p>14 to as an attachment?</p> <p>15 A. Yes.</p> <p>16 Q. Now, did you take any notes</p> <p>17 at all of that first meeting with</p> <p>18 Mr. Furuichi?</p> <p>19 A. Yes.</p> <p>20 Q. What did you do with those?</p> <p>21 A. I didn't keep the handwritten</p> <p>22 notes that I had. I had put it into</p> <p>23 the typewritten and, to me, the</p> <p>24 typewritten was the working document.</p> <p>25 Q. Did you make any changes at</p>
<p style="text-align: right;">47</p> <p>1 - RICHARD LOVELL -</p> <p>2 quickly. You need to give me a</p> <p>3 little time to make an objection.</p> <p>4 THE WITNESS: Sorry.</p> <p>5 Q. My question was more of, I</p> <p>6 guess sometimes a lawyer kind of</p> <p>7 question, because after you go to law</p> <p>8 school, you feel like if you're a</p> <p>9 professional anything, it's</p> <p>10 professional note-taker.</p> <p>11 (Whereupon, Lovell Exhibit 28 was</p> <p>12 premarked for identification.)</p> <p>13 Q. If you take a look at the</p> <p>14 first page of what I've just handed</p> <p>15 you, which is Plaintiff's premarked</p> <p>16 Exhibit 28, and you write to</p> <p>17 Mr. Leffler on April 24th, "I did not</p> <p>18 take notes like you did, but I am</p> <p>19 writing a narrative of the conversation</p> <p>20 with Furuichi which I will send later."</p> <p>21 See that?</p> <p>22 A. Uh-huh. Yes.</p> <p>23 Q. Attached is something. Can</p> <p>24 you -- is that the same document, the</p> <p>25 next two pages, that we previously</p>	<p style="text-align: right;">49</p> <p>1 - RICHARD LOVELL -</p> <p>2 all between what you handwrote and what</p> <p>3 you typed?</p> <p>4 A. What I handwrote was</p> <p>5 basically words that I jotted down.</p> <p>6 They weren't -- there were full</p> <p>7 sentences here and there but not much.</p> <p>8 Q. So the process that you used</p> <p>9 was to take your notes and -- after the</p> <p>10 meeting was to write it up and try to</p> <p>11 put it into -- more into full</p> <p>12 sentences?</p> <p>13 A. Actually, make a more</p> <p>14 complete report, right.</p> <p>15 Q. Did you do anything other</p> <p>16 than utilize the one word or two words,</p> <p>17 the notes that you had taken, to</p> <p>18 refresh your recollection when you were</p> <p>19 typing it up?</p> <p>20 A. No, I didn't need to. I did</p> <p>21 it soon after the interview. Like I</p> <p>22 said, it was either going to be that</p> <p>23 night or the next morning.</p> <p>24 Q. Take a look at Mr. Leffler's</p> <p>25 notes, several pages, and Bates number</p>

13 (Pages 46 to 49)

1 - RICHARD LOVELL -
2 Q. Here you have, "Did you or
3 Furuichi have a cell phone with you in
4 the locker room?" is your first
5 question.
6 Then you say, "Did anyone
7 take or pretend to take Jim's picture
8 while he was undressed?"
9 So did you ask both of those?
10 A. I know I asked the second
11 one. I'm not sure if I asked the first
12 one.
13 Q. You think his answer to the
14 second one was he didn't have a cell
15 phone with him?
16 A. No. I think his answer was
17 that he did not pretend to take a
18 picture, take a picture, or make a
19 phone call.
20 Q. Did Mr. Yue Zhibo have a
21 massage?
22 A. Yes. As far as I know. I
23 mean, that's what he said he did.
24 Q. Did you ask him?
25 A. Yes.

1 - RICHARD LOVELL -
2 premarked for identification.)
3 Q. Exhibit 47, again, I believe
4 to be Mr. Leffler's handwritten notes?
5 A. Uh-huh.
6 Q. Have you ever seen those
7 before?
8 A. No. I have not seen any of
9 notes that you're showing me that he
10 wrote.
11 Q. His notes did not go into an
12 investigatory file?
13 A. No.
14 Q. Did you keep an investigatory
15 file?
16 A. Yes.
17 Q. What was contained in your
18 investigatory file?
19 A. My questions, my typewritten
20 notes, and my final reports.
21 Q. Now, you were sending a
22 letter, a note, to Mr. Bonomo, telling
23 him to preserve documents?
24 A. Yes.
25 Q. And you were destroying your

111

1 - RICHARD LOVELL -
2 Q. Where did you ask him that?
3 A. Well, like I said, these --
4 Q. Where on these notes did you
5 ask him?
6 A. These questions are not the
7 sum total of all the questions. I used
8 these questions as a routing for me; I
9 don't use them as absolute. And
10 there's questions that I ask that
11 aren't there.
12 Q. So you tell us that this
13 interview was conducted over the
14 telephone?
15 A. Yes.
16 Q. I'm going to ask you if you
17 recognize that handwriting.
18 A. No.
19 Q. Okay. I will give you what
20 we've premarked as Exhibit 48.
21 (Whereupon, Lovell Exhibit 48 was
22 premarked for identification.)
23 Q. I'm going to give you also
24 what we premarked as Exhibit 47.
25 (Whereupon, Lovell Exhibit 47 was

113

1 - RICHARD LOVELL -
2 handwritten notes?
3 A. I didn't consider those as
4 documents.
5 Q. Well, what did you think they
6 were?
7 A. Basically, scribble. What I
8 thought was the end product, was the
9 thing that I labeled "Draft Notes."
10 Q. Well, when you say "end
11 product," is it your understanding that
12 the only documents you're supposed to
13 retain are end products?
14 A. Well, from my investigation,
15 I was keeping the notes, not
16 handwritten, the typed notes, the typed
17 questions, the final reports.
18 Q. But you also have drafts that
19 were typewritten, right?
20 A. You've got them.
21 Q. And so the only thing that
22 you didn't keep was any handwritten
23 drafts that is the actual contemporaneous
24 notes that you took during these
25 interviews?

29 (Pages 110 to 113)

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<p style="text-align: right;">114</p> <p>1 - RICHARD LOVELL - 2 A. Until the final -- until the 3 final interview with Furuichi San, I 4 talked to Diane, and Diane asked if I 5 had any handwritten notes. I told her 6 that I didn't retain them. 7 She said, You should have. 8 The typewritten ones really 9 represent the handwritten. 10 And she said, No. You should 11 have kept it even though they were just 12 scribbled words on a thing. 13 So I said okay. 14 Q. So it was sometime in May of 15 2007 or June of 2007 when you learned 16 for the first time that those were 17 documents that should have been kept? 18 A. It was probably early June. 19 Q. Well, you know that this 20 document "Your Guide to MIC" talks 21 about record retention, right? 22 A. That's correct. 23 Q. Does it say, can you throw 24 away your handwritten notes if you type 25 them up?</p>	<p style="text-align: right;">116</p> <p>1 - RICHARD LOVELL - 2 various employment statutes that are 3 asserted to have been violated in this 4 complaint? 5 A. Yes. We have them in the 6 record retention. I can't recite them. 7 Q. You can't recite any? 8 A. Depends. 9 Q. You can't recite any 10 retention requirement under the New 11 York State Human Rights Law? 12 A. Offhand, no. 13 Q. How about under 42 U.S.C. 14 1981, federal statute prohibiting race 15 discrimination? How long is the record 16 retention requirement there? 17 A. It's listed in our document, 18 so I have no idea offhand. 19 Q. How about the New York City 20 Human Rights Law? 21 A. No. It's listed in our -- I 22 mean, these things are in writing, so 23 you don't commit them to memory. 24 Q. Aren't you the ultimate 25 person responsible for the integrity of</p>
<p style="text-align: right;">115</p> <p>1 - RICHARD LOVELL - 2 A. Doesn't say I can't either. 3 Q. Well, what do you think the 4 point of the record retention is if you 5 can destroy a document or throw it away 6 and simply replace it with something 7 else? 8 A. The record retention policy 9 in there, as far as I know, is dealing 10 with how long we have to retain records 11 so we don't have files that are 12 overflowing. 13 Q. How long is that, sir? 14 A. Depends on what the document 15 is. 16 Q. Let's take your notes of 17 interviews. Whether you believe the 18 handwritten note or the typewritten 19 note created from the handwritten note 20 is the document, how long are you 21 supposed to retain those? 22 A. In this case, until the case 23 is settled. 24 Q. Are you aware of any document 25 retention requirements under the</p>	<p style="text-align: right;">117</p> <p>1 - RICHARD LOVELL - 2 the filing system in the human 3 resources department? 4 A. Within HR, but legal is the 5 one that promulgates the record 6 retention. 7 Q. For you? 8 A. Yeah, yes. 9 Q. So if these handwritten notes 10 of Mr. Leffler's had been given to you, 11 would you have destroyed them? 12 A. I wouldn't have needed them. 13 Q. So you would have destroyed 14 them? 15 A. If they were given to me? 16 Q. Yes. 17 A. Yes. I would have asked him 18 why he gave them to me; I don't need 19 them. The reason I circulated the 20 draft copies of the interviews to Fred 21 was so that Fred could decide -- or 22 take a look at it and see whether 23 there's anything omitted or misstated. 24 He never had any comments 25 back on any of the interviews, so from</p>

30 (Pages 114 to 117)

<p style="text-align: right;">146</p> <p>1 - RICHARD LOVELL -</p> <p>2 notes?</p> <p>3 A. I -- yeah, I reviewed the</p> <p>4 things that I had written. And I also</p> <p>5 reviewed the handwritten notes that</p> <p>6 were retained on the second interview</p> <p>7 with Furuichi San.</p> <p>8 Q. So it would have been around</p> <p>9 this time, that is mid-May, that you</p> <p>10 had your conversation with Ms. Knox</p> <p>11 about retaining the handwritten notes?</p> <p>12 A. I have a feeling it was</p> <p>13 pushing closer to the end of May.</p> <p>14 Q. Just -- did you review the</p> <p>15 your notes on this Takahashi interview?</p> <p>16 A. The report that I wrote or</p> <p>17 the what I would call the draft of the</p> <p>18 interview, yes.</p> <p>19 Q. Yes. On that you indicate</p> <p>20 that Mr. Inada was there.</p> <p>21 A. Okay.</p> <p>22 Q. So would that then be</p> <p>23 accurate, that Mr. Inada was there? Do</p> <p>24 you remember or not remember?</p> <p>25 A. I don't, because it's -- here</p>	<p style="text-align: right;">148</p> <p>1 - RICHARD LOVELL -</p> <p>2 premarked as Exhibit 53.</p> <p>3 (Whereupon, Lovell Exhibit 53 was</p> <p>4 premarked for identification.)</p> <p>5 Q. Let me also hand you a</p> <p>6 document that I've marked as</p> <p>7 Plaintiff's Exhibit 53A.</p> <p>8 (Whereupon, Lovell Exhibit 53A was</p> <p>9 premarked for identification.)</p> <p>10 Q. While we're at it, I will</p> <p>11 give you Exhibit 54.</p> <p>12 (Whereupon, Lovell Exhibit 54 was</p> <p>13 premarked for identification.)</p> <p>14 Q. So 53 and 54 are, you're</p> <p>15 sending around a proposed letter to</p> <p>16 Mr. Bonomo in which you are writing to</p> <p>17 talk about your disappointment about</p> <p>18 the cancellation of a meeting, correct?</p> <p>19 A. Uh-huh. Yes.</p> <p>20 Q. You send that proposed letter</p> <p>21 to Mr. Leffler and Mr. Inada,</p> <p>22 Mr. Brumm; is that right?</p> <p>23 A. I see Jim's response back and</p> <p>24 I see Diane's response back.</p> <p>25 Q. If you look at the foot of</p>
<p style="text-align: right;">147</p> <p>1 - RICHARD LOVELL -</p> <p>2 it's accurate, but I don't remember him</p> <p>3 being there.</p> <p>4 Q. Whenever you have that kind</p> <p>5 of a situation in this deposition, that</p> <p>6 is, where you remember something</p> <p>7 because you see it and all, you have to</p> <p>8 differentiate for me between relying on</p> <p>9 the notes and relying on your memory</p> <p>10 actually being refreshed.</p> <p>11 A. Okay.</p> <p>12 Q. You understand that</p> <p>13 distinction that you just made for us?</p> <p>14 A. Sure.</p> <p>15 Q. Have there been any other</p> <p>16 situations where you've testified based</p> <p>17 upon a document because you relied upon</p> <p>18 the document being accurate, but that</p> <p>19 you didn't really have your own</p> <p>20 recollection?</p> <p>21 A. No, I don't think so.</p> <p>22 MR. LIDDLE: We'll go until</p> <p>23 1:00 and then break for lunch.</p> <p>24 MR. SONNENBERG: Sure.</p> <p>25 Q. I want to hand you what we've</p>	<p style="text-align: right;">149</p> <p>1 - RICHARD LOVELL -</p> <p>2 Page 2053, at the top of Page 3 I think</p> <p>3 you see those three, and they're also</p> <p>4 to Ms. Knox.</p> <p>5 A. I don't think I got a</p> <p>6 response back from Inada.</p> <p>7 Q. And Mr. Brumm was -- says</p> <p>8 he's fine with your e-mail. Ms. Knox</p> <p>9 says, "This time it's not just nice,</p> <p>10 it's great."</p> <p>11 And 53A is final version of</p> <p>12 what you actually sent; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 MR. SONNENBERG: Objection as</p> <p>16 to form. Compound.</p> <p>17 Q. You can answer it. It's</p> <p>18 objection as to form. All right.</p> <p>19 So, now, was there a reason</p> <p>20 that, after having received that e-mail</p> <p>21 from Mr. Bonomo earlier, asking you to</p> <p>22 communicate with his counsel, that you</p> <p>23 decided to deliver this particular</p> <p>24 message directly to Mr. Bonomo?</p> <p>25 A. Jim was still our employee.</p>

38 (Pages 146 to 149)

<p style="text-align: right;">198</p> <p>1 - RICHARD LOVELL -</p> <p>2 him about 11, he says that that</p> <p>3 paragraph is accurate. Correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Paragraph 12, now,</p> <p>6 this paragraph reads that "After</p> <p>7 dinner, at approximately 11, Mr. Zhang</p> <p>8 took everyone to a karaoke bar and</p> <p>9 nightclub. And before they left the</p> <p>10 restaurant, Mr. Furuichi stated to</p> <p>11 Mr. Bonomo 'You'll be the target</p> <p>12 tonight.'" Right?</p> <p>13 A. That's what the allegation</p> <p>14 says, correct.</p> <p>15 Q. Okay. Now, after an</p> <p>16 interview in April, all these other</p> <p>17 interviews, investigation going on for</p> <p>18 some time, Mr. Furuichi says, "May have</p> <p>19 gone," correct.</p> <p>20 That's "may have gone" to the</p> <p>21 karaoke bar?</p> <p>22 A. Yes. He's still not</p> <p>23 recalling.</p> <p>24 Q. "Not sure if not or not.</p> <p>25 Every selected by Anne side," meaning</p>	<p style="text-align: right;">200</p> <p>1 - RICHARD LOVELL -</p> <p>2 MR. SONNENBERG: Objection as</p> <p>3 to form.</p> <p>4 A. I can't -- again, you're</p> <p>5 looking at the notes that are being</p> <p>6 written contemporaneously with him</p> <p>7 speaking, so I can't respond well to</p> <p>8 verb tense.</p> <p>9 But what this comes down to</p> <p>10 in this case is that he does not</p> <p>11 remember that comment being made.</p> <p>12 Q. Later on, when this draft</p> <p>13 becomes a complaint, when the first</p> <p>14 amended complaint is filed, this</p> <p>15 Paragraph 12 survives as it's written</p> <p>16 here in those two complaints, correct?</p> <p>17 A. In your complaints?</p> <p>18 Q. Yes.</p> <p>19 A. I guess so. I don't</p> <p>20 remember.</p> <p>21 Q. Are you aware that in the</p> <p>22 answer that Mitsubishi denies all of</p> <p>23 the allegations of Paragraph 12?</p> <p>24 A. Yeah. That wouldn't surprise</p> <p>25 me.</p>
<p style="text-align: right;">199</p> <p>1 - RICHARD LOVELL -</p> <p>2 every place they went was something</p> <p>3 that Anne said they wanted to do?</p> <p>4 A. Yes. As I understand, it was</p> <p>5 basically Mr. Zhang was the host and he</p> <p>6 made the arrangements.</p> <p>7 Q. "He may have said, 'you'll be</p> <p>8 target.'" That would be to Mr. Bonomo,</p> <p>9 right?</p> <p>10 A. That's correct.</p> <p>11 Q. And he said that would have</p> <p>12 meant drinking, and you put in quotes,</p> <p>13 "you are target before dinner," meaning</p> <p>14 drinking, but he does not remember</p> <p>15 specifically; is that --</p> <p>16 A. That's correct.</p> <p>17 Q. Is that him saying, I do not</p> <p>18 remember it, or you using the "does" in</p> <p>19 the third person, he does not remember</p> <p>20 it?</p> <p>21 If Mr. Furuichi had said it,</p> <p>22 he would have said, I do not remember,</p> <p>23 right? It wouldn't be -- it would be</p> <p>24 "do" instead of "does"; is that right?</p> <p>25</p>	<p style="text-align: right;">201</p> <p>1 - RICHARD LOVELL -</p> <p>2 Q. Here, what you got from</p> <p>3 Furuichi is that he's not sure; isn't</p> <p>4 that right?</p> <p>5 A. No. He ended up saying,</p> <p>6 because you're going to see another</p> <p>7 line as you go forward, he began to</p> <p>8 build hypotheticals around things that</p> <p>9 could have happened, but when pressed,</p> <p>10 he basically said that there was no way</p> <p>11 that those things occurred. He did not</p> <p>12 recall them.</p> <p>13 Q. I see. Well, he did not</p> <p>14 recall -- I think we went through this</p> <p>15 before -- "did not recall" and "did not</p> <p>16 happen," in your mind, are two</p> <p>17 distinctly separate --</p> <p>18 A. No. I think you asked me</p> <p>19 about "denied" versus "did not recall."</p> <p>20 I think if somebody doesn't remember</p> <p>21 something, and they consistently don't</p> <p>22 remember, that's it; they don't</p> <p>23 remember it.</p> <p>24 Q. Okay. That's not a denial,</p> <p>25 correct?</p>

51 (Pages 198 to 201)

<p style="text-align: right;">214</p> <p>1 - RICHARD LOVELL -</p> <p>2 to form.</p> <p>3 A. I don't think that ever came</p> <p>4 up.</p> <p>5 Q. It came up in this interview.</p> <p>6 A. Well, you didn't ask me and I</p> <p>7 didn't say that no one knew he was</p> <p>8 Italian.</p> <p>9 Q. Mitsubishi International</p> <p>10 Corporation said so when they finally</p> <p>11 answered the complaint?</p> <p>12 A. You'll have to ask the people</p> <p>13 who finally answered the complaint.</p> <p>14 Q. Do you know who that was?</p> <p>15 A. No.</p> <p>16 Q. These notes -- were these</p> <p>17 notes of Mr. Leffler's as well your</p> <p>18 notes in the investigatory file?</p> <p>19 A. I don't know where Fred's</p> <p>20 were. I've never seen them.</p> <p>21 Q. Yours were?</p> <p>22 A. Yes.</p> <p>23 Q. Did you give that to the</p> <p>24 attorneys for Mitsubishi International</p> <p>25 Corporation after the litigation</p>	<p style="text-align: right;">216</p> <p>1 - RICHARD LOVELL -</p> <p>2 not engage in physical exhibition or</p> <p>3 touching. Mr. Yue is a bit more</p> <p>4 intimate with his friends."</p> <p>5 You say, "Yue commented not</p> <p>6 grabbed. Pretty sure he did not touch.</p> <p>7 Does not like to touch. Yue is more</p> <p>8 touch."</p> <p>9 So how did you reconcile "not</p> <p>10 grabbed" with "Yue is more touch," and</p> <p>11 "Mr. Yue is more intimate with his</p> <p>12 friends, and not recalling if Yue</p> <p>13 touched him"?</p> <p>14 A. You'll see in the final</p> <p>15 report that that was brought up as one</p> <p>16 of the situations where both of them</p> <p>17 believed that a comment was made about</p> <p>18 his fitness, but they attributed the</p> <p>19 comment to each other.</p> <p>20 The -- also, the idea of</p> <p>21 touching, they thought that maybe there</p> <p>22 was touching on the bicep, but neither</p> <p>23 of them admitted that they were the</p> <p>24 one. Each thought the other person had</p> <p>25 done that.</p>
<p style="text-align: right;">215</p> <p>1 - RICHARD LOVELL -</p> <p>2 started?</p> <p>3 A. Yeah, after. They asked for</p> <p>4 them.</p> <p>5 Q. Was this investigation</p> <p>6 supposedly an independent or neutral</p> <p>7 investigation to try to get to the</p> <p>8 truth of what took place here?</p> <p>9 A. It wasn't. It wasn't</p> <p>10 supposedly independent, it was.</p> <p>11 Q. Again, the only reason that</p> <p>12 you turned this over to the attorneys</p> <p>13 for Mitsubishi in the litigation was</p> <p>14 what again? They asked for it?</p> <p>15 A. Diane asked for it.</p> <p>16 Q. I see. On 18, the paragraph</p> <p>17 is, "After Mr. Bonomo had fully</p> <p>18 undressed, Mr. Zhibo grabbed</p> <p>19 Mr. Bonomo's bicep and made a comment</p> <p>20 about his 'big muscles.'"</p> <p>21 He says -- this is Leffler --</p> <p>22 he says, "Mr. Yue may have commented</p> <p>23 that JB had big muscles. I never</p> <p>24 touched JB and don't recall if Yue</p> <p>25 touched him. As a custom Japanese do</p>	<p style="text-align: right;">217</p> <p>1 - RICHARD LOVELL -</p> <p>2 So that was the one thing</p> <p>3 that was brought up by both of them as</p> <p>4 something that could have happened, and</p> <p>5 so I listed it as something that</p> <p>6 potentially happened.</p> <p>7 Q. Were you aware that</p> <p>8 Mitsubishi International Corporation</p> <p>9 denied the allegations of Paragraph 18?</p> <p>10 A. No.</p> <p>11 Q. Paragraph 19 says, "Mr. Zhibo</p> <p>12 then used his cell phone to take a</p> <p>13 picture of Mr. Bonomo's genitals."</p> <p>14 And Furuichi says, according</p> <p>15 to your notes, "Does not remember.</p> <p>16 Mr. Yue may have cell phone. Do not</p> <p>17 remember. Yue could have taken</p> <p>18 picture. Prone to act like child."</p> <p>19 Is that pretty much what</p> <p>20 Mr. Furuichi told you?</p> <p>21 A. At that point, yes.</p> <p>22 Q. Mr. Leffler writes down, "I</p> <p>23 don't remember if Yue took a picture</p> <p>24 with cell phone. Chinese do take cell</p> <p>25 phones every place.</p>

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<p style="text-align: right;">222</p> <p>1 - RICHARD LOVELL -</p> <p>2 Q. Mr. Leffler says, "I could</p> <p>3 have said this or Mr. Yue said this. I</p> <p>4 do not recall saying something like</p> <p>5 this, however."</p> <p>6 That's not "not at all," is</p> <p>7 it?</p> <p>8 A. I didn't write Leffler's</p> <p>9 notes.</p> <p>10 Q. No, you didn't. But do you</p> <p>11 think that what I've just read to you</p> <p>12 from Mr. Leffler's notes makes up that</p> <p>13 he doesn't recall rather than not at</p> <p>14 all, and says that Mr. Yue could have</p> <p>15 said this?</p> <p>16 MR. SONNENBERG: Objection as</p> <p>17 to form.</p> <p>18 A. No. I can only go by what I</p> <p>19 wrote, and what I wrote is what I</p> <p>20 recollect, and that's what went in the</p> <p>21 report.</p> <p>22 Q. This is one of those things</p> <p>23 where seeing the document or seeing</p> <p>24 Mr. Leffler's notes doesn't refresh</p> <p>25 your recollection. You believe that</p>	<p style="text-align: right;">224</p> <p>1 - RICHARD LOVELL -</p> <p>2 A. Several times, according to</p> <p>3 that. I think there's a customer down</p> <p>4 there called Eastern Ribbon, or</p> <p>5 something Ribbon, and there was a</p> <p>6 problem with credit, I believe, with</p> <p>7 them.</p> <p>8 And I think they went a</p> <p>9 couple of times to them not listed</p> <p>10 here, but I think they also went to</p> <p>11 Germany once, possibly twice.</p> <p>12 Q. Are you aware that</p> <p>13 Mr. Bonomo's testimony was that there</p> <p>14 were quite a few people in Germany, and</p> <p>15 both he and Mr. Furuichi were there,</p> <p>16 but other than that, they had not</p> <p>17 traveled together since this time?</p> <p>18 A. I'm not aware of what he</p> <p>19 said.</p> <p>20 Q. Were you aware that what</p> <p>21 Mr. Leffler heard, or at least what he</p> <p>22 wrote down in respect of this</p> <p>23 allegation, is dramatically different</p> <p>24 from what you wrote down?</p> <p>25 A. What did he write down?</p>
<p style="text-align: right;">223</p> <p>1 - RICHARD LOVELL -</p> <p>2 what's in the document that you wrote</p> <p>3 is correct because it's a document that</p> <p>4 you prepared; is that right?</p> <p>5 A. I believe that what I put in</p> <p>6 the document is accurate, yes.</p> <p>7 Q. And me asking you questions</p> <p>8 about that or about a contradictory</p> <p>9 entry in Mr. Leffler's notes doesn't</p> <p>10 refresh your recollection at all?</p> <p>11 A. I don't see what Fred has in</p> <p>12 there as contradictory to her. I see</p> <p>13 them shades of the same thing.</p> <p>14 Q. Did you ever ask Mr. Zhibo to</p> <p>15 look at this claim and to answer</p> <p>16 whether or not he said that?</p> <p>17 A. I did not.</p> <p>18 Q. Paragraph 24, since the</p> <p>19 incident, Mr. Bonomo has avoided</p> <p>20 traveling with Messrs. Furuichi and</p> <p>21 Zhibo." You wrote down, "Jim/Furuichi</p> <p>22 went to F-L-A"?</p> <p>23 A. Florida.</p> <p>24 Q. Florida? You think they went</p> <p>25 on business trips to Florida together?</p>	<p style="text-align: right;">225</p> <p>1 - RICHARD LOVELL -</p> <p>2 Q. Well, he wrote down, "After</p> <p>3 China, I traveled one time with JB, I</p> <p>4 think to Florida."</p> <p>5 And you said, "went to</p> <p>6 Florida several times. I have not met</p> <p>7 with JB on trips. Everything OK with</p> <p>8 JB. No complaints re China. Jim now</p> <p>9 leaves office at 5 or 5:30 because he</p> <p>10 commutes to Long Island.</p> <p>11 "Between 2005 and 2007 there</p> <p>12 was no change in JB business</p> <p>13 relationship or traveling with me.</p> <p>14 After China trip, JB sent e-mail to</p> <p>15 Yue, thanking him."</p> <p>16 Now, the commuting to Long</p> <p>17 Island, leaving the office at 5 or</p> <p>18 5:30, that was an indication that when</p> <p>19 Furuichi was in the office in New York</p> <p>20 and -- Mr. Bonomo did not go to dinner</p> <p>21 with him even; isn't that correct?</p> <p>22 A. I have no idea.</p> <p>23 Q. You didn't hear any of these</p> <p>24 things that Mr. Leffler wrote down?</p> <p>25 A. No.</p>

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